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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/017,788 | |
| | Filing Date | December 13, 2001 | |
| | First Named Inventor | Nguyen, Quan | |
| | Art Unit | 1641 | |
| | Examiner Name | Counts, Gary W. | |
| Total Number of Pages in This Submission | 59 | Attorney Docket Number | 002558-064310US |

| ENCLOSURES (Check all that apply) | | | | |
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| <table border="1"><tr><td>Remarks</td><td>The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.</td></tr></table> | | | Remarks | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. |
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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--------------------------------------------|------------------------------------|----------|--------|
| Firm Name | Townsend and Townsend and Crew LLP | | |
| Signature | | | |
| Printed name | Joel G. Ackerman | | |
| Date | 06/02/2006 | Reg. No. | 24,307 |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
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PATENT
Docket No.: 002558-064310US
Client Ref. No.: BRP00097

On June 2, 2006

TOWNSEND and TOWNSEND and CREW LLP

By: _____

Dana Kane



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Quan NGUYEN

Patent No.:

Issued:

Application No.: 10/017,788

Filed: December 13, 2001

For: STANDARD DILUENT FOR
MULTIPLEX ASSAYS

Confirmation No.: 6103

Examiner: Counts, Gary W.

Art Unit: 1641

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the office Action dated December 8, 2005, Applicants respectfully request reconsideration and reexamination based on the comments herein.

In order to expedite prosecution, Applicants will forbear from repeating what has been set forth in the previous documents by way of background, and focus on the differences between the claimed invention and two references in the prior art. However, in so doing, Applicants have not ceased to make the other points previously raised, and will raise them again, if necessary in an appeal.

The following comments will focus on the two references- Williams et al. and Barrera et al., which were discussed in the previous communication.

The examiner comments that the distinctions made with respect to Williams et al. in the previous communication relate to processes by which the claimed products are produced and not to the products themselves and so are irrelevant to patentability of those products. However, the comments made previously do not relate processes but to the products themselves.

Williams et al. do not produce a diluent that is lacking in one or more target analytes. Williams et al. produce a composition that is totally lacking in all steroids, all but one of which are not target analytes. Williams et al. do not disclose a diluent for a multiplex process and do not carry out a multiplex process.

Barrera et al. simply do not disclose a composition lacking in multiple analytes. The examiner quotes the use of the phrase "interleukin-1B and tumor necrosis factor" as indicating a multiplex assay. However, this was not what was done in Barrera et al. - each analyte was assayed for separately. See, for instance, p. 100 "The blood compartment contained ¹²⁵I-labeled recombinant human IL-1 β or TNF...." (emphasis added). This reference throughout discloses only the use of a diluent lacking in one single cytokine, and never discloses a diluent lacking two or more cytokines. The word "and" in the citation by the examiner simply lumps the two assays together in one statement, but there was no assay conducted for multiple analytes.

Applicants submit, and continue to submit, that the claims are not obvious from the cited references, and request issuance of a Notice of Allowance.

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

Joel G. Ackerman
Reg. No. 24,307

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